

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERROD HERNDON,

Plaintiff,

v.

LAW ENFORCEMENT,

Defendant(s).

Case No. [22-cv-01018-CRB](#) (PR)

**ORDER OF DISMISSAL**

Plaintiff, a former state prisoner currently residing at All Saints Extended Care, an assisted living facility in San Rafael, California, filed a pro se complaint for damages under 42 U.S.C. § 1983 using the court's prisoner complaint form wherein he alleges that he "was pushed, hurt bad and arrested for no reason." ECF No. 1 at 2. He names "law enforcement," which he defines as "police, CDCR, sheriff [and] CHP," as defendants. Id.


On April 21, 2022, the court dismissed the complaint with leave to amend within 28 days. The court explained that "to state a cognizable § 1983 claim for damages for use of excessive force during arrest and/or unlawful arrest without probable cause, plaintiff must name individual defendants and set forth specific facts showing how each individual defendant actually and proximately caused the deprivation of the federal right of which plaintiff complains." ECF No. 5 at 2 (citations omitted). "Plaintiff's conclusory allegations against law enforcement in general will not do." Id. at 2. The court warned plaintiff that "[f]ailure to file a proper amended complaint within [28 days] will result in the dismissal of this action." Id.

More than 28 days have passed but plaintiff has neither filed a proper amended complaint nor sought an extension of time to do so. This action accordingly is DISMISSED.

The clerk is instructed to close the case and terminate all pending motions as moot.

**IT IS SO ORDERED.**

Dated: May 26, 2022

  
CHARLES R. BREYER  
United States District Judge